THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No:15556 of 2007

DATED:23-07-2007

BETWEEN:

Saroj Ben Sanghvi & another.

..... PETITIONERS

AND

The Commissioner of Police,
Cyberabad,
Hyderabad & 4 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioners seek a writ of mandamus directing the respondents 1 to 4 to take steps in accordance with law on the complaint, dated 14-06-2007, filed by the petitioners and also render police help to the petitioners for protecting their land in Sy.No.218/12 (part) extent Ac.1.01.8 guntas situated at Kondapur village, Serilingampalli mandal, Rangareddy District in respect of which petitioners obtained interim injunction order in I.A.No.6126 of 2006 in O.S.No.3854 of 2006 on the file of the Principal Junior Civil Judge, Rangareddy District.

3. It is the case of the petitioners that they have filed a civil suit in O.S.No.3854 of 2006 on the file of the Principal Junior Civil Judge, Rangareddy District seeking perpetual injunction restraining the 5th respondent and others from interfering with their peaceful possession and enjoyment of the land in Sy.No.218/12 part of an extent of Ac.1.01.8 guntas situated at Kondapur village, Serilingampalli mandal, Rangareddy District and obtained temporary injunction on 27-11-2006 in I.A.No.6126 of 2006. It is stated that 5th respondent also claimed the said property with different boundaries and got filed O.S.No.2798 of 2006 on the file

of the Principal Senior Civil Judge, Rangareddy District through one A.Saikumar and three others and obtained injunction in I.A.No.905 of 2007 on 04-06-2007 from interfering with their peaceful possession and enjoyment of the said property. It is stated that under the guise of the said injunction order 5th respondent, on 14-06-2007 at 9.00 p.m., tried to dispossess the security guards of the petitioners and in that regard petitioners made a representation, dated 14-06-2007, before the 4th respondent marking copies to the respondents 1 to 3, but respondents have not taken any action so far. Hence, the present Writ Petition.

4. It is stated that the said complaint/representation, regarding the alleged interference or attempt of dispossession said to have been made by the said Saikumar and others on
04-06-2007, was in fact filed on 15-06-2007. A perusal of the complaint goes to show that the same is vague and bereft of any material, but however, I am not inclined to express any opinion with regard to the alleged interference and criminal action. Insofar as the police protection is concerned petitioners are not entitled to seek any police protection from the police as the rights of the petitioners have not been finally decided by the civil Court. There are disputes between the petitioners and others with regard to the rights of the petitioners. Therefore, police cannot render any protection without there being any specified order from the concerned civil Court, and unless their rights have been finally decided by the civil Court. Therefore, petitioners cannot seek a

direction to the police for rendering protection. Insofar as the criminal action is concerned if there is any commission of cognizable offence petitioners have got the alternative remedy to approach the concerned criminal Court by filing a private complaint.

5. Having regard to the facts and circumstances and in view of the disputes pending with regard to the title relating to the said property, I am not inclined to entertain the present Writ Petition.

6. Accordingly, Writ Petition is dismissed. No order as to costs.

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V.ESWARAIAH,J

23rd July, 2007.
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